

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Michael Ray DANIEL

Defendant

'08 MJ 1302

Magistrate Case No. _____

2008 APR 28 AM 9:47

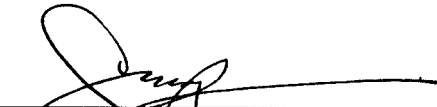
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **April 25, 2008**, within the Southern District of California, defendant **Michael Ray DANIEL**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Veronica ROJAS-Villanueva**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF
APRIL, 2008.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Michael J. Prado, declare under penalty of perjury the following to be true and correct:

The complaint states that **Veronica ROJAS-Villanueva** is citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material, that it is impracticable to secure her attendance at the trial by subpoena and that she is a material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On April 25, 2008 at approximately 10:28 P.M., **Michael Ray DANIEL (Defendant)** made application for admission into the United States from Mexico through the San Ysidro Port of Entry as the driver of a 1996 Ford Explorer. Upon inspection before a Customs and Border Protection (CBP) Officer, Defendant declared United States citizenship and presented a California Driver License. Defendant gave a negative declaration, stated he was going to Chula Vista, California, and told the officer he owned the vehicle. During primary inspection, the CBP Officer noticed smoke coming from the undercarriage of the vehicle. The CBP Officer inspected the undercarriage of the vehicle and saw a non-factory compartment built to the floor of the vehicle. The CBP Officer immediately called for assistance at which time Defendant was handcuffed and escorted to the security office for further processing.

In secondary, an inspection of the vehicle was conducted which revealed two individuals concealed in two separate non-factory compartments located on the undercarriage of the vehicle. The two non-factory compartments ran length-wise parallel to the chassis of the vehicle. The two separate non-factory compartments were described as being coffin-like with both entrances being located under the rear seat of the vehicle. A female and male were extracted after removing the rear seat. A ratchet (tool) was necessary to remove the nuts that fastened the seat to the flooring of the vehicle.

Both individuals admitted to being citizens of Mexico with no entitlements to enter or reside in the United States. The female is now identified as **Veronica ROJAS-Villanueva (Material Witness)**.

During a video taped interview, **Material Witness** admitted she made smuggling arrangements with an unknown man over the telephone. **Material Witness** stated her intended destination was to go to Los Angeles, California to seek employment. **Material Witness** stated she was to pay a smuggling fee of \$4,000.00 to be smuggled into the United States. **Material Witness** stated she was in this compartment for approximately thirty to forty minutes prior to being removed. **Material Witness** stated it was very hot in the compartment and the officers that extracted her had a difficult time opening the compartment.

EXECUTED ON THIS 26th DAY OF April 2008 AT 10:00 AM.


Michael J. Prado / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page(s), I find probable cause to believe that the defendant named therein committed the offense on April 25, 2008 in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

4-26-08 @ 12:05pm
DATE / TIME